

**Amendments to the Drawings:**

The drawing sheets attached in connection with the above-identified application containing Figures 1-8 are being presented as new replacement drawing sheets to be substituted for the previously submitted drawing sheets. Specifically, Figure 4(c) has been included in the drawing sheets.

### **REMARKS**

The Office Action mailed April 5, 2007 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-22 were pending in the application. Claims 1, 14, 15, 17 and 20-22 have been amended, and claims 23-26 have been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

#### **Objection to the Drawings**

The drawings are objected to because they do not show a “clip” of claim 5. FIG. 4c has been inserted into the drawings to show an embodiment of the invention in which a clip is used.

#### **Objections to the Claims**

Claims 14 and 17 are objected to for minor informalities. The claims have been amended as per the Examiner’s suggestion to address this issue. Reconsideration and withdrawal of these objections is respectfully requested.

In this regard, claim 20 was amended to address a typographical error found by Applicant (incorrect capitalization).

#### **Prior Art Rejections**

In the Office Action, claims 1-9, 12, 14-19, and 21-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,239,805 to Uchida et al. (hereinafter “Uchida”). Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida in view of Applicant’s Admitted Prior Art (hereinafter “APA”). Claims 10, 11 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida in view of U.S. Patent 6,530,634 to Hara (hereinafter “Hara”). Applicants respectfully traverse these rejections for at least the following reasons.

The invention as claimed in the independent claims deals with a protection element in a package, “the element being connected to the package and having a surface adapted to be

removably connected to a portion of the consumable”, “wherein the protection element is connected to one or more surfaces of the package” (Independent claim 1; similar language appears in independent claims 14, 15, 21 and 22; emphasis added). The protection element is connected to a surface of the consumable, and is also connected to one or more surfaces of the package.

Claims 1-9, 12, 14-19, and 21-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Uchida. Uchida fails to teach or disclose the teachings of independent claim 1, including a package adapted to contain a hard copy consumable with a protection element, “the element being connected to the package and having a surface adapted to be removably connected to a portion of the consumable”, “wherein the protection element is connected to one or more surfaces of the package.” Similar language is included in independent claims 14, 15, 21 and 22.

Rather, Uchida teaches that:

“the free end 5a of the sealing member 5 is held between the both sides of the edges of the opening 2a of the packing bag 2, the packing bag 2 is thermally sealed in a sealing portion 3, as shown in FIG. 3. With this operation, the opening 2a of the packing bag 2 is hermetically closed, and at the same time the free end 5a of the sealing member 5 is fixed to the packing bag 2.” (column 3, lines 17-24).

Thus, the sealing member is not connected to any of the surfaces of the consumable. Instead, the sealing member is connected to the package via the hermetically sealed ends, between the two sealed edges of the opening. This requires more work or more steps to be undertaken to affix the sealing member to the packing bag. The invention as claimed in the independent claims allows for the protection element to be connected to a surface of the package by means known in the art, without needing sealing measures, or special alignments of the protection element with the package, and so forth. If this rejection is maintained, the examiner is respectfully requested to point out where this feature is disclosed in Uchida.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe

that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Further, with regards to claims 4, 5, and 9, there is no teaching or suggestion in Uchida of utilizing a mechanical fastener to connect the protection element to the package or the consumable. Rather, the means of connecting the sealing tape to the package are detailed above. Thus, it is respectfully submitted that Uchida also fails to teach a package, "wherein the protection element is adapted to be removably retained against or adjacent to a surface of the consumable by a mechanical fastener." Uchida also fails to teach a package, "wherein the connector is connected to the package by a mechanical fastener." Further, Uchida fails to teach a package, "wherein the mechanical fastener is a clip or a frangible coupling."

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida in view of APA. APA in no way makes up for the deficiencies of Uchida as described above. The prior art, especially as described in APA, does not teach or suggestion those features of the claimed invention found lacking in Uchida. Thus, APA, either alone or in combination with Uchida, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where these features are disclosed in either Uchida or APA. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 10, 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida in view of Hara. Hara is directed towards an inkjet printer. This is in no way analogous to the instant invention or Uchida, which are both directed towards packaging assemblies and methods. The invention as claimed teaches a protection element that protects an item in a package, connected to both the item and the package. The protection element remains in the package with the item is removed. An inkjet printer is in no way similar to this field of invention. It is respectfully submitted that Hara and Uchida are not analogous art, and should not be combined in a 35 U.S.C. § 103(a) rejection.

Even if the references were to be incorrectly combined, Hara would not make up for the deficiencies of Uchida as shown above. Hara does not teach or disclose a protection element in a package, "the element being connected to the package and having a surface adapted to be removably connected to a portion of the consumable", "wherein the protection

element is connected to one or more surfaces of the package” (Independent claim 1). Similar language is included in independent claims 14, 15, 21 and 22.

Specifically, Hara asserts that:

“In the lid 33 that covers the top of the ink tank 31, formed for each chamber are three through holes 34, for communicating with the outside. Reusable sealing tape 35 is at least affixed to through holes 34a, provided for each of the individual chambers. The through holes 34 are closed by the sealing tape 35 until immediately before they are employed. And when the through holes 34 are opened for use, they perform their intended functions.

Since the sealing tape 35 shown in FIG. 3 is especially employed, all the through holes 34a for the individual chambers can be opened at one time when the sealing tape 35 is peeled off by grasping it at the end. In this casing body, it is preferable that one end of the sealing tape 35 be connected to the packaging (not shown) for the cartridge 10, and that the sealing tape 35 be peeled off when the cartridge 10 is removed from the package.”

Thus, there is no teaching that the sealing tape is connected to both a surface of the cartridge and the package while in the package. Rather, the sealing tape must be peeled off from the package and connected to the cartridge. There is no teaching or suggestion in Hara that there would be a mechanism by which the sealing tape is CONNECTED to the cartridge inside the packaging, let alone removably connected to the cartridge such that the sealing tape is removed from the cartridge when the cartridge is removed from its packaging. Thus, Hara does not teach those features of the independent claims that are absent in Uchida.

As shown above, Uchida fails to a package adapted to contain a protection element in a package, “the element being connected to the package and having a surface adapted to be removably connected to a portion of the consumable”, “wherein the protection element is connected to one or more surfaces of the package.” Given the teachings of Hara, Hara does not make up for the deficiencies of Uchida as shown above. Thus, Hara, either alone or in combination with Uchida, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out

where these features are disclosed in either Uchida or Hara. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

**Conclusion**

In view of the foregoing amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested.

If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

*At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.*

Respectfully submitted,

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